



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Buchman et al.	)	Group Art Unit: 1646
	)	
Serial No.: 09/524,101	)	
	)	Examiner: Not Yet Assigned
Filed: March 13, 2000	)	
	)	
For: Insect p53 Tumor Suppressor Genes and	)	Attorney Docket No.: EX00-015
Proteins	)	
	)	
	)	

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION**

Assistant Commissioner for Patents  
Office of Initial Patent Examination's Customer Service Center  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed May 23, 2000, the follow documents are enclosed:

- Copy of Notice to File Missing Parts
- Fee Transmittal Form (1 Page)
- Statement Claiming Small Entity Status (1 Page)
- Signed Declaration (5 Pages)

Respectfully submitted,

Dated: July 5, 2000

  
Jan P. Brunelle

Reg. No. 35,081

**EXELIXIS, INC.**  
170 Harbor Way, P.O. Box 511  
South San Francisco, California 94083-0511  
Telephone: (650) 837-8180  
Facsimile: (650) 837-8234

## FORMALITIES LETTER



\*OC000000005135679\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/524,101	03/13/2000	Andrew Roy Buchman	EX00-015

23500  
JAN P BRUNELLE  
EXELIXIS PHARMACEUTICALS, INC  
280 E GRAND AVENUE  
SOUTH SAN FRANCISCO, CA 94080

Date Mailed: 05/23/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$222.
  - \$144 for 8 total claims over 20.
  - \$78 for 1 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1042.**

*A copy of this notice **MUST** be returned with the reply.*

*M. Middleton*  
Customer Service Center

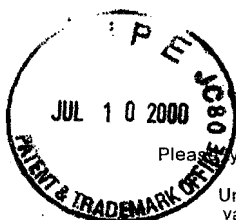
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/14/2000 GTEFFERA 00000109 501108 09524101

01 FC:201	345.00 CH
02 FC:203	72.00 CH
03 FC:202	39.00 CH
04 FC:205	65.00 CH

SECTOR



Please type a plus sign (+) inside this box-> ☒

Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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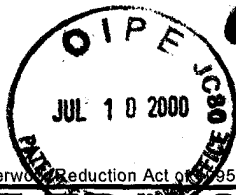
<h1>TRANSMITTAL FORM</h1> <p><i>(to be used for all correspondence after initial filing)</i></p>		Application Number	09/524,101
		Filing Date	03/13/2000
		First Named Inventor	Andrew Roy Buchman
		Group Art Unit	1646
		Examiner Name	Not yet assigned
Total Number of Pages in This Submission	23	Attorney Docket Number	EX00-015

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div>*Request for Corrected Filing Receipt</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jan P. Brunelle EXELIXIS, INC.
Signature	<i>Jan P. Brunelle</i>
Date	<i>July 5, 2000</i>

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <u>July 5, 2000</u>			
Typed or printed name	<u>Shannon Dougherty</u>		
Signature	<i>Shannon Dougherty</i>	Date	<u>7/5/00</u>

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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# FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.  
Small Entity payments must, be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-72.  
See 37 C.F.R. §§ 7.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$ 561.00

## Complete if Known

Application Number	09/524,101
Filing Date	03/13/2000
First Named Inventor	BUCHMAN, Andrew Roy
Examiner Name	
Group /Art Unit	1646
Attorney Docket No.	EX00-015

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-1108

Deposit Account Name Exelixis, Inc..

- ☒ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
		101 690 201 345		Utility filing fee	345.00
		106 310 206 155		Design filing fee	
		107 480 207 240		Plant filing fee	
		108 690 208 345		Reissue filing fee	
		114 150 214 75		Provisional filing fee	

SUBTOTAL (1) (\$ 345.00

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
28	-20- = 8	X 9.00	= 72.00
4	-3- = 1	X 39.00	= 39.00
Multiple Dependent			

\*\*or number previously paid, if greater; For Reissues, see below

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
		103 18 203 9		Claims in excess of 20	
		102 78 202 39		Independent claims in excess of 3	
		104 260 204 130		Multiple dependent claim, if not paid	
		109 78 209 39		** Reissue independent claims over original patent	
		110 18 210 9		** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 111.00

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
		105 130 205 65		Surcharge - late filing fee or oath	65.00
		127 50 227 25		Surcharge - late provisional filing fee or cover sheet.	
		139 130 139 130		Non-English specification	
		147 2,520 147 2,520		For filing a request for reexamination	
		112 920* 1 12 920*		Requesting publication of SIR prior to Examiner action	
		11 3 1,840* 11 3 1,840*		Requesting publication of SIR after Examiner action	
		115 110 215 55		Extension for reply within first month	
		116 380 216 190		Extension for reply within second month	
		117 870 217 435		Extension for reply within third month	
		118 1,360 218 680		Extension for reply within fourth month	
		128 1,850 228 925		Extension for reply within fifth month	
		119 300 219 150		Notice of Appeal	
		120 300 220 150		Filing a brief in support of an appeal	
		121 260 221 130		Request for oral hearing	
		138 1,510 138 1,510		Petition to institute a public use proceeding	
		140 110 240 55		Petition to revive - unavoidable	
		141 1,210 241 605		Petition to revive - unintentional	
		142 1,210 242 605		Utility issue fee (or reissue)	
		143 430 243 215		Design issue fee	
		144 580 244 290		Plant issue fee	
		122 130 122 130		Petitions to the Commissioner	
		123 50 123 50		Petitions related to provisional applications	
		126 240 126 240		Submission of Information Disclosure Stmt	
		581 40 581 40		Recording each patent assignment per property (times number of properties)	40.00
		146 690 246 345		Filing a submission after final rejection (37 CFR § 1.129(a))	
		149 690 249 345		For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify)

Other fee (specify)

Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 105.00

## SUBMITTED BY

Name (Print/Type) Jan P. Brunelle

Registration No. (Attorney/Agent) 35,081

## Complete (if applicable)

Telephone 650-553-8180

Signature Jan P. Brunelle

Date July 5, 2000

## WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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